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JUN 11 2002

"RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE EXAMINING
GROUP 3721"

192403US55X

Group 3700

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
David SUDA, et al. : EXAMINER: HARMON, C.
SERIAL NO.: 09/584,182 :
FILED: May 31, 2000 : GROUP ART UNIT: 3721
FOR: APPARATUS AND METHOD :
FOR BAGGING AN ITEM :

#13
7/2/02
Q114d

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action dated January 11, 2002, please reconsider the above-identified application in light of the following discussion.

Claims 1 and 3-8 are presently active in this case.

In the outstanding Official Action, Claims 1 and 3-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Holt (GB 2,140,765). For the reasons discussed below, the Applicants traverse the anticipation rejection.

Independent Claims 1, 3, and 4 of the present application recite a method for inserting an item that is a rolled, elongated sheet of material into a receptacle using an apparatus having a hollow tube section having a first opening and a second opening and a hollow flared section having a narrow opening and a wide opening, where the narrow opening is connected to the first opening. The method comprising the steps of positioning a receptacle over an exterior surface of the tube section adjacent the second opening, inserting the item within the

flared section via the wide opening, and sliding the item through the narrow opening of the flared section, through the tube section, and within the receptacle. Claims 1 and 3 recite a step of rotating the rolled item as the rolled item is inserted within the flared section. Claim 4 recites a step of rotating the rolled item as the rolled item is slid through the tube section.

The Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle utilizing an apparatus having a hollow flared section and a hollow tube section. Additionally, the Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is inserted within a flared section of an apparatus, as recited in Claims 1 and 3 of the present application. Furthermore, the Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is slid through a tube section of an apparatus, as recited in Claim 4 of the present application. The rotation of the rolled item during insertion within the flared section and sliding through the tube section provides a method for inserting an item in a non-labor intensive manner and without fraying, bending or otherwise damaging the item. (See page 2, line 2, through page 3, line 27, of the specification.)

The Holt reference describes a web (10) that is piece wound at a winding station (13) and then inserted into an oversized transparent plastic packaging tube (22) and reverse wound to fill the tube. The Holt reference describes three distinct stages during the packaging process described therein. Namely, a first stage in which a web length (10) is wound on to the bar (14) until a length measured by the head (11) is wound and the winding is braked such that the knife (12) can be used to cut the proper length. (See page 1, lines 98-104.) A second

stage occurs “[a]t the end of winding” when the cylinder (19) is powered and the vertical bar (18), arms (17), winding bar (14), end guide (15) and wound piece enter the cone (20) and the tubing (22). (See page 1, lines 104-107.) And a third stage occurs after the wound piece is within the tubing (22) when the winding bar (14) is given reverse rotation to cause the wound piece to increase in diameter to fill the tubing (22). (See page 1, lines 107-110.)

The Holt reference clearly does not disclose a method of inserting an item into a receptacle utilizing an apparatus having a hollow flared section and a hollow tube section. The cone (20) described and depicted in the Holt reference merely includes a single tapered section, and does not include a hollow tube section, as recited in Claims 1, 3, and 4 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1, 3, and 4 of the present application.

The Holt reference clearly does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is inserted within a flared section of an apparatus, as recited in Claims 1 and 3 of the present application. The Holt reference clearly states that the cylinder (19) is powered to insert the wound piece into the cone (20) and the tubing (22) only “[a]t the end of winding” after the winding has been braked. The Holt reference does not disclose or suggest rotating the wound piece *as the wound piece is inserted within the cone (20)*. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1 and 3 of the present application.

Furthermore, the Holt reference clearly does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is slid

through a tube section of an apparatus, as recited in Claim 4 of the present application. As noted above, the Holt reference does not disclose a tube section. The Holt reference clearly states that the cylinder (19) is powered to insert the wound piece into the cone (20) and the tubing (22) only “[a]t the end of winding” after the winding has been braked. The Holt reference does not disclose or suggest rotating the wound piece *as the wound piece is inserted within the cone (20)*. While the Holt reference describes performing a reverse winding once the wound piece is positioned within the tubing (22), it is noted that the tubing (22) is not a tube section of the apparatus recited in Claim 4, and furthermore, it is noted that the reverse winding occurs after the wound piece is positioned within the tubing (22) rather than during sliding therein. The Applicants note that reverse winding, which makes the wound piece expand in diameter, during insertion or sliding of the wound piece within the cone (20) would make the insertion or sliding step difficult if not impossible and would likely damage the wound piece. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 4 of the present application.

Claims 5-8 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

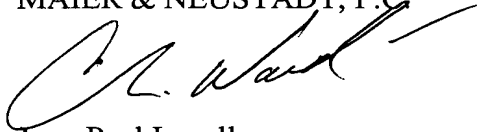
Accordingly, the Applicants respectfully request the withdrawal of the art rejections.

Consequently, in view of the above discussion, it is respectfully submitted that the pending claims are patentably distinguishing over the cited art. The present application is

therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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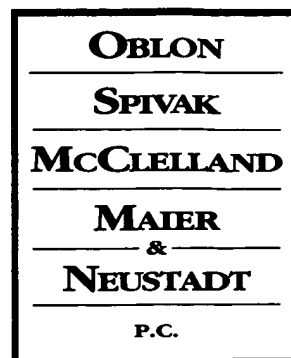
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EXPEDITED PROCEDURE EXAMINING
GROUP 3721"

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



Re: U.S. Application
Serial No: 09/584,182
Filed: May 31, 2000
Group: 3721
Inventor: David SUDA, et al.
For: APPARATUS AND
METHOD FOR BAGGING
AN ITEM

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SIR:

Attached hereto for filing are the following papers:

**REQUEST FOR RECONSIDERATION (After Final)
REQUEST FOR EXTENSION OF TIME (2 Months)**

Our check in the amount of **\$400.00** is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in dark ink, appearing to read "J. Lavalleye", is written over the printed name.

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